

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
<div>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</div> <div>on _____</div> <div>Signature _____</div> <div>Typed or printed name _____</div>	<div>Application Number</div> <div style="text-align: center; font-size: 1.2em;">10/707028</div>		<div>Filed</div> <div style="text-align: center; font-size: 1.2em;">11/16/2003</div>
	<div>First Named Inventor</div> <div style="text-align: center; font-size: 1.2em;">Daniels et al.</div>		
	<div>Art Unit</div> <div style="text-align: center; font-size: 1.2em;">2612</div>		<div>Examiner</div> <div style="text-align: center; font-size: 1.2em;">Fan</div>
	<div>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</div> <div style="height: 100px; border: 1px solid black; margin-top: 10px;"></div> <div>This request is being filed with a notice of appeal.</div> <div style="margin-top: 20px;">The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</div>		
<div>I am the</div> <div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="width: 45%;"><div><input type="checkbox"/> applicant/inventor.</div><div><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</div><div><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32,668</u></div><div><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</div></div><div style="width: 50%; text-align: center;"><div style="font-size: 1.2em; margin-bottom: 5px;">/glennlwebb32668/</div><div style="border-top: 1px solid black; margin-bottom: 5px;"></div><div>Signature</div><div style="font-size: 1.2em; margin-bottom: 5px;">Glenn L. Webb</div><div style="border-top: 1px solid black; margin-bottom: 5px;"></div><div>Typed or printed name</div><div style="font-size: 1.2em; margin-bottom: 5px;">303 816-4893</div><div style="border-top: 1px solid black; margin-bottom: 5px;"></div><div>Telephone number</div><div style="font-size: 1.2em; margin-bottom: 5px;">12/28/2006</div><div style="border-top: 1px solid black; margin-bottom: 5px;"></div><div>Date</div></div></div> <div style="margin-top: 20px;">NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</div>			
<div><input type="checkbox"/> *Total of _____ forms are submitted.</div>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:	:	
Timothy A. Daniels, et al	:	
	:	
S.N.: 10/707,028	:	
	:	A.U. : 2631
Filed: 11/16/2003	:	
	:	Examiner: Fan
For: Systems and Methods for Monitoring	:	
the Status of Pressurized Systems	:	
_____	:	

Commissioner of Patents
Box 1450
Alexandria, VA 22302

Pre-Appeal Brief Request for Review

Sir:

Claim 1 includes the limitations of a *manifold* connected to a *pressurized automotive cooling system* having a low pressure switch, high pressure switch, a separate low pressure alert display and a separate high pressure alert display where the alerts are displayed when the pressure in the pressurized automotive cooling system falls below or above preset limits.

Response to Rejection under 35 USC 103

Claims 1 – 6, 10 – 15, and 18 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cline in view of Carlson. As acknowledged by the Examiner, Cline does not disclose a manifold that connects with the automotive cooling system. Further, the system of Cline only *monitors the status of the radiator itself, not the entire cooling system*. Further, the system of Cline *only displays a single alert for a low or high pressure malfunction, not independent alerts*.

Carlson discloses a gas piping system that monitors nitrous oxide and oxygen pressure in medical gas piping systems. The medical gas piping systems uses a manifold for connecting to multiple oxygen and nitrous oxide tanks with high and low pressure gauges. Once a tank is empty, the manifold switches to the next tank. Carlson does not disclose nor is Carlson in any

manner concerned with monitoring the pressure of an automotive cooling system. Carlson does not monitor the entire pressurized automotive cooling system, nor does Carlson disclose the use of separate displays for displaying alerts for high pressure malfunctions and low pressure malfunctions.

It is a tenet of patent law that under 35 U.S.C. 103, the references must suggest the need for a limitation in order to modify a reference to achieve that limitation. As stated by the Federal Circuit in *In re Fritch*, 23 USPQ 2d 1780, 1783-1784 (Fed. Cir. 1992), “The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.”

In the present instance, there simply is no suggestion of any kind for modifying the system of Cline by eliminating the sensors incorporated directly into the radiator, adding a manifold that connects with the pressurized cooling system, and connecting high and low pressure sensors in the manifold. ***Cline is concerned only with monitoring the pressure of the radiator, not the entire automotive cooling system.*** For example, if the thermostat of the automotive cooling system is malfunctioning, the radiator may be closed from the engine block cooling system. ***Thus, the radiator may be within the normal operating pressure range while the pressure within the engine block may be outside the normal operating pressure range.*** Cline is not concerned with this problem. Carlson in no way is concerned with this problem. Carlson utilizes a manifold for switching medical gas tanks, not for monitoring the status of an automotive cooling system. ***There simply is no disclosure or teaching in either Carlson or Cline of using a manifold connected to an automotive cooling system to monitor the status of the entire automotive cooling system.***

Further, **neither Cline or Carlson disclose using separate display alerts for low pressure and high pressure malfunctions. Cline utilizes a single display and buzzer for either of the malfunctions.**

Thus claims 1 – 20 are allowable over the prior art.

Additionally, in regard to claims 2, 5, 6, 7, 11, 14, 15 and 16, there is ***no teaching in either reference of using a pressure gauge to monitor the actual pressure of an automotive cooling system.*** There would be no teaching to modify the device as set forth in claim 2 to add a pressure gauge to monitor the status of the automotive cooling system. Merely because something may be modified does not render it obvious under 35 U.S.C. 103(a). There must be

motivation for doing so. Thus these claims are allowable over the cited prior art for these additional reasons as well.

The Applicant respectfully requests that claims 1 - 20 be allowed in view of the above remarks. The Examiner is respectfully requested to telephone the undersigned if further discussions would advance the prosecution of this application.

Respectfully submitted,

Date: 12/28/2006

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